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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**UNITED STATES OF AMERICA,**  
**Plaintiff,**

**v.**

**TIMOTHY HUGH COX**  
**Defendant.**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 1:20-CR-90-DAK**

**Judge Dale A. Kimball**

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This matter is before the court on Defendant’s Motion for Compassionate Release under the First Step Act, 18 U.S.C. § 3582(c)(1)(A) [ECF No. 43]. Defendant requests that the court release him from custody due to Covid-19 restrictions, lack of medical treatment, and family issues. On August 17, 2021, this court sentenced Defendant to 72 months incarceration with the Bureau of Prisons (“BOP”).

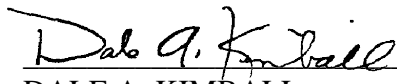
The First Step Act modified 18 U.S.C. § 3582(c)(1)(A) to allow a federal prisoner to file a motion with the court to reduce the defendant’s term of imprisonment after the defendant has exhausted administrative remedies with the BOP. After exhausting administrative remedies, a Defendant must demonstrate “extraordinary and compelling reasons” that warrant a sentence reduction. *United States v. McGee*, 992 F.3d 1035 (10th Cir. 2021). Defendant has not satisfied this burden. Defendant has completed two shots of the COVID-19 vaccination series, and he has been prescribed medication as treatment for the medical ailments he complains of. Furthermore, Defendant has committed several offenses during his time in prison. Thus, he has not demonstrated his ability to maintain employment or avoid drugs in a controlled environment and,

therefore, has not demonstrated an ability to be the sole caregiver for his mother and three children.

Finally, Defendant is currently on the waitlist to begin the RDAP program. Defendant will benefit from the RDAP program, work assignments provided by the BOP, and attending the RRC. These opportunities will provide Defendant time to stabilize his employment and demonstrate sobriety. Accordingly, Defendant's Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A) is DENIED.

Dated this 22nd day of January 2024.

BY THE COURT:

  
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DALE A. KIMBALL  
United States District Judge